

Appl. No. 09/619,520
Amtd. dated May 27, 2004
Reply to Office Action of February 27, 2004

PATENT

REMARKS/ARGUMENTS

Status of the Application

Prior to this amendment, claims 1-8, 10-20, 22-28, and 30-40 were pending in this application. The Examiner has rejected claims 1, 17-18, 22, 31, 37 and 38 under 35 U.S.C. § 103(a) as being unpatentable over Carpenter, Jr. (U.S. Patent No. 3,640,391) in view of Peterson (U.S. Patent No. 4,968,489). In addition, the Examiner has rejected claims 2-4, 6, 8, 11, 13-15, 23-24, 26-27 and 33-35 under 35 U.S.C. § 103(a) as being unpatentable over Carpenter, Jr. in view of Peterson and further in view of Block (Disinfection, Sterilization, and Preservation, 4th ed.). The Examiner also has rejected claims 7 and 28 under 35 U.S.C. § 103(a) as being unpatentable over Carpenter, Jr., Peterson and Block and further in view of Boyce. Finally, the Examiner indicated that claims 5, 10, 12, 16, 19, 20, 25, 30, 32, 36, 39, and 40 are allowable over the art of record, but are objected to for depending from rejected base claims.

In this amendment, Applicant has amended claims 1 and 22, and cancelled claims 12 and 32 without prejudice. Claims 2-8, 10-11, 13-20, 23-28, 30-31, and 33-40 remain unchanged by this amendment. Claims 1-8, 10-11, 13-20, 22-28, 30-31, and 33-40 remain pending in this application after the filing of this amendment. Applicants submit that no new subject matter has been added by these amendments.

The Claims

Section 103(a) Rejections

The Examiner has rejected claims 1-4, 6-8, 11, 13-15, 17-18, 22-24, 26-28, 31, 33-35, and 37-38 under 35 U.S.C. § 103(a) as being unpatentable over Carpenter, Jr. (U.S. Patent No. 3,640,391) in view of some combination of Peterson (U.S. Patent No. 4,968,489), Block (Disinfection, Sterilization, and Preservation, 4th ed.), and/or Boyce. Applicant respectfully disagrees with the Examiner, and therefore, traverses the rejection. For purposes of compact prosecution, however, Applicant has amended independent claims 1 and 22 to further clarify the invention. Applicant submits that amended claims 1 and 22 now are in condition for allowance for the following reasons.

Appl. No. 09/619,520

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PATENT

Amended independent claim 1 now recites:

An apparatus for pumping and sterilizing or disinfecting fluids liquid held in a reservoir, comprising:
a fluid conduit, which is at least partially submerged in the liquid held in the reservoir;
a ultraviolet light source which is at least partially within the fluid conduit, the ultraviolet light source comprising a protective sleeve surrounding at least a portion of the ultraviolet light source and protecting the ultraviolet light source from breaking; and
an air drive unit coupled to the fluid conduit and adapted to cause a liquid to flow through the fluid conduit and past the at least a portion of the ultraviolet light source, wherein said ultraviolet light source generates an ultraviolet light which kills microorganisms in the liquid and said fluid conduit.

As the Examiner can see, Applicant has amended the claim to include the limitation that the fluid conduit is at least partially submerged in the liquid held in the reservoir. (Emphasis added). This new limitation, while not stated exactly the same as the limitation of claim 12, is similar, and the Examiner indicated that claim 12 would be allowed if written in independent form. Indeed, Carpenter Jr. and the other prior art references do not disclose this limitation, and therefore, Applicant submits that claim 1, as amended, now is allowable over the cited references.

With regard to dependent claims 2-8, 10-11, and 13-20, Applicant submits that these claims are allowable as being directed to specific novel substitutes, as well as by depending from allowable parent claims.

With regard to independent claim 22, Applicant has amended this claim to include similar limitations of claim 1. Therefore, Applicant submits that independent claim 22 is allowable over the cited references for the reasons discussed above.

With regard to dependent claims 23-28, 30-31, and 33-40, again, Applicant submits that these claims are allowable as being directed to specific novel substitutes, as well as by depending from allowable parent claims.

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Allowable Subject Matter

The Examiner has indicated that claims 5, 10, 12, 16, 19, 20, 25, 30, 32, 36, 39, and 40 contain allowable subject matter, and would be allowable over the art of record if rewritten in dependent form. Applicant agrees with the Examiner and thanks the Examiner for her careful consideration of these claims. Applicant submits that these claims still are allowable for being directed to novel subject matter. In addition, given the Amendments to independent claims 1 and 22, Applicant submits that these claims also are allowable by depending from allowable parent claims, which is why Applicant has not rewritten all the allowable claims in independent form at this time.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. Accordingly, Applicants respectfully request the Examiner to issue a formal Notice of Allowance as soon as possible.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 303-607-3500.

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Respectfully submitted,


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